

REMARKS

Claims 13-16 are presented for consideration, with Claims 13 and 16 being independent.

Claims 13 and 16 have been amended to better clarify Applicant's invention. In particular, the claims have been amended to recite that of the first, second and third electrodes provided for generating an electric field in the closed container, it is the first electrode that is disposed on the first substrate.

Reconsideration and withdrawal of the outstanding rejection under 35 U.S.C. §103 in view of Johnson '267 and Kuwahara '866 is deemed to be in order for the reasons discussed in the Amendment of August 26, 2009. Further, Applicant respectfully wishes to point out that the primary reference to Johnson does not teach or suggest, *inter alia*, first and second reset operations as recited in Applicant's Claims 13 and 16. In Johnson, a number of prepulses 40 are supplied to one of the first and second electrodes 6, 6'. As disclosed, the magnitude and duration of the prepulses supplied to the first electrode are associated with an energy sufficient for releasing electrophoretic particles 14, 14' in a first area near the first electrode 6 but too low to move them to an area near the third electrode 7 (see paragraph [0030], page 3).

In contrast to Applicant's claimed invention, however, such an application of prepulses in Johnson does not serve as a first reset operation in which charged particles create a second distribution on a second electrode side and on a third electrode side by applying the first voltage to the second electrode and to the third electrode, or a second reset operation in which the charged particles create a fourth distribution, substantially identical to the second distribution, on

the second electrode side and on the third electrode side by applying a second voltage, opposite in polarity to the first voltage, to the second and third electrodes.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

Thus, it is submitted that Applicant's invention as set forth in independent Claims 13 and 16 is patentable over the cited art. In addition, dependent Claims 14 and 15 set forth additional features of Applicant's invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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